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| 10/737,322 | 12/16/2003 | Jaime Marcelo Narca Munoz | 030358 | 5941 |
| 26285 7590 06/13/2008 KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP 535 SMITHFIELD STREET PITTSBURGH, PA 15222 | | | | |
| EXAMINER | | | | |
| DANNEMAN, PAUL | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3627 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/737,322

Applicant(s)

MUNOZ ET AL.

Examiner

PAUL DANNEMAN

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in reply to Applicant's response filed 24 March 2008 to the first office action.
2. Pending claims 1-20 have been examined in this application.
3. Claims 1, 11, 19 and 20 have been amended.

Response to the Arguments

4. Applicant's arguments with respect to claims 1, 19 and 20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. **Claims 1-14, and 19-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrill, Jr., US 5,991,749 henceforth known as Morrill in further view of McGregor et al., US 6,198,915 B1 henceforth known as McGregor.

Examiner's note: Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

Claims 1 and 19:

With regard to the following limitations:

- ***An account management server operating on a plurality of user accounts.***
- ***Account manager can transfer account balances between accounts.***
- ***Account balances are comprised of a measurement of communication time.***

Morrill does not specifically use the term "account management server". However, Morrill in at least Column 1, lines 30-40, and Column 2, lines 18-31 discloses a method used to transfer funds between different accounts including the steps of expanding the function of a service provider's central processing unit to include account and authorization information entered from a cellular phone or other wireless communication device.

McGregor does not specifically use the term "account management server" per se. However, McGregor in at least Column 2, lines 11-67 discloses a mobile phone system with mobile phones having internal accounting protocol for internal calculation of communication charges on the fly. The accounting system includes a complex billing algorithm to account for local charges, roaming charges when the mobile phone unit moves from one zone to another. The complex billing algorithm can be expanded to accommodate special charges of service providers or called stations or special discounts or premiums for data transfer calls. The rate schedule may be periodically updated by a wireless communication with a host or service provider.

McGregor in at least Column 15, lines 23-33 and Column 16, lines 49-67 discloses a Rate Information table utilizing a rate per minute of phone usage schedule. The mobile phone unit with internal accounting can be implemented into existing wireless communication networks without substantial modification. McGregor in at least Column 18, lines 30-57 further discloses usage time and a rate schedule to determine the amount of talk time available in the account. Therefore, it would be obvious, at the time of the invention, to a person of ordinary skill in the art to modify the well know element of the service provider's central processing unit disclosed in Morrill for transferring funds with the well know elements of McGregor for tracking phone usage in real time to collectively achieve the predictable results that each provides separately and the

results are functionally equivalent to applicant's account management server and the tracking of communication time.

Claim 20:

With regard to the limitation:

- ***Computer readable medium comprises at least one disk and a device.***

Morrill does not specifically disclose a disk. However, Morrill in at least Column 1, lines 30-40 discloses a cellular phone or other wireless communication device sending function code to a central processing unit, which determines the accounts involved in a transaction, and confirming the completion of the transaction. McGregor in at least Fig. 1, Column 3, lines 35-67 and Column 4, lines 1-67 discloses a mobile phone accounting system with a personal computer processing unit containing a disk drive. Therefore, it would be obvious, at the time of the invention, to a person of ordinary skill in the art to modify the well know element of the service provider's central processing unit disclosed in Morrill for transferring funds with the well know elements of McGregor for tracking phone usage in real time to collectively achieve the predictable results that each provides separately and the results are functionally equivalent to applicant's account management server and the tracking of communication time.

Claim 2:

With regard to the further limitation of Claim 1:

- ***Account user information comprises a plurality of shared users.***

Morrill in at least Column 4, lines 1-5 and lines 13-15 discloses a service agreement between a cell phone service provider and a customer allowing account access from other cell phones and the transfer of funds between mobile phone accounts. Therefore, it would be obvious, at the time of the invention, to a person of ordinary skill in the art to determine that Morrill's invention encompasses a plurality of shared users.

Claims 3-9:

With regard to the further limitations:

- ***Account balance comprises a total balance.***
- ***Account balance comprises a plurality of balance for different account services.***
- ***Account balance comprises the financial equivalent of communication time.***
- ***Account manager server tracks usage, debits and credits to accounts.***

Morrill in at least Column 3, lines 2-35 disclose debits and credits being reflected on a user's phone bill and optionally being reflected on a user's bank, credit account with only phone usage or transaction charges appearing on the mobile phone statement. Morrill in at least Column 4, lines 16-20 further discloses that a user's mobile phone account may have a pre-paid account. Therefore, it would be obvious, at the time of the invention, to a person of ordinary skill in the art to determine that Morrill's invention encompasses all the limitations of applicant's invention regarding accounts and account balances.

Claims 10-13:

With regard to the further limitations:

- ***Account has account authorization via password via keypad input, voice or system recognition.***
- ***Authorization is performed over-the-air.***

Morrill in at least Column 1, lines 41-44 and lines 48-58 discloses a personal identification number or other method to verify identity and authorize access to a secured location by entering the entering the user's identity via a wireless communication device's keypad. Therefore, it would be obvious, at the time of the invention, to a person of ordinary skill in the art to determine that Morrill's invention encompasses all the limitations of applicant's invention regarding authorized access to an account.

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Claim 14:

With regard to the further limitation of Claim 10:

- ***A transaction point allowing users to manage various accounts.***

Morrill in at least Column 2, lines 18-31 discloses a cellular phone or other wireless communication device being coupled to a service provider's cell antenna and then via landline to a CPU (central processing unit) to conduct transactions between various accounts. Therefore, it would be obvious, at the time of the invention, to a person of ordinary skill in the art to determine that Morrill's invention encompasses all the limitations of applicant's invention regarding users accessing various accounts.

2. **Claims 15-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrill, Jr., US 5,991,749 henceforth known as Morrill.

Claim 15:

With regard to the limitations:

- ***An account management server operating on a plurality of user accounts.***
- ***Account manager can transfer account balances between accounts.***

Morrill does not specifically use the term "account management server". However, Morrill in at least Column 1, lines 30-40, and Column 2, lines 18-31 discloses a method used to transfer funds between different accounts including the steps of expanding the function of a service provider's central processing unit to include account and authorization information entered from a cellular phone or other wireless communication device.

Claims 16-18:

With regard to the further limitations:

- *Account has account authorization via password via keypad input, voice or system recognition.*
- *Authorization is performed over-the-air.*

Morrill in at least Column 1, lines 41-44 and lines 48-58 discloses a personal identification number or other method to verify identity and authorize access to a secured location by entering the entering the user's identity via a wireless communication device's keypad. Therefore, it would be obvious, at the time of the invention, to a person of ordinary skill in the art to determine that Morrill's invention encompasses all the limitations of applicant's invention regarding authorized access to an account.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit
3627

/Paul Danneman/

Examiner, Art Unit 3627

30 May 2008